

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:10-CV-124

UNITRIN AUTO AND HOME
INSURANCE COMPANY

Plaintiff,

vs.

HERSCHEL R. SMITH
PAMELA SMITH
DEWY L. HINKLEY
LARRY PUCKETT
SETH A. SMITH

Defendants.

ORDER

THIS MATTER is before the Court upon its own motion. The Court has reviewed the Plaintiff's Motions for Default [D.I.s 21, 24, 26, 32]. The Summons and Complaint appear to have been properly served on all Defendants under Fed. R. Civ. P. 4(e)(1) and the North Carolina Rules of Civil Procedure Rule 4(j)(1)(c)-(d) (allowing for service by certified mail, return receipt requested or by "designated delivery service authorized pursuant to 26 U.S.C. 7502(f)(2)") and the Plaintiff has mailed the Motions for Default to the Defendants, in excess of their requirements under Federal Rule 5(a)(2).

The Court has some question, upon review of the Motions for Default, as to whether a case or controversy actually exists when the Plaintiff has simply received "notice of a potential claim" against the insurance policy at issue, no litigation has commenced, and the Defendants have failed to make any appearances in the instant case. The Plaintiff is ordered to brief the issue of this action being an actual case or controversy giving rise to the Court's jurisdiction. Such brief is not to exceed 10 pages and shall be filed with this Court by February 28, 2011.

SO ORDERED.

Signed: January 28, 2011

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

